

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EURO PACIFIC CAPITAL, INC., individually and in its capacity as Investor Representative and attorney-in-fact for ALEXANDER AND YANA GALUZ, AMY J. STEFANIK, ANN STRUVE, ANTHONY NAHUM, ART KLEPPEN AND KIMBERLY KLEPPEN, BARBARA ELLIS, BARBARA HEARST, BARBARA S. MEISTER, BENJAMIN R. EARL AND JONEE D. EARL, BERT JUDE HUNTSINGER, BLAKE AND LISA EVERETT, BRUCE FRANKLIN, BRUCE RAVENEL, BURT YANO AND PATRICIA YANO, CAROL COOPER, CAROLYN R. LONG, CHARLES BRABENAC, CHARLES M. CLAUSSEN AND MICHELLE S. CLAUSSEN, CHARLES SULLIVAN AND CAROL SULLIVAN, CHARLOTTE J. BELASCO, CHIN HSIAO, CINDY J. LEWIS, CLIFF WARD, COREY SHANNON MCNAMEE, CURTIS ANDREW BEESON AND BRENDA BATENBURG, CYNTHIA KESSLER AND JAMES KESSLER, DAMON SUTER AND MALINDA SUTER, DANIEL J. GRIFFIN, DARREL LEE KLOECKNER, DAVID ALAN SCULLY, DAVID W. LARSON AND JENNIFER L. LARSON, DEBORAH FOREMAN, DENNIS FRIED AND JOYCE FRIED, DIANE D. SPOLUM, DONALD GIRARD CLARK JR. AND DEBRA L. CLARK, DONALD T. GLASER JR., DOUGLAS W. JOHNSON, EDGAR SIMONS, EDWARD CHARLES MOHR, ELIZABETH RICHARDS, ELMIRA GADOL, FRANCIS BRENT MAY AND JONEITA JEAN MAY, FRANK CARDILE SR., FRED HARPER, GARY LEE BUKAMIER, GARY MARDER, GAYLE M. AND DEBORAH SANDERS, GEORGE FELDMAN, GEORGE K. CHING, GEORGE MADARAZ, GERALD AND BEVERLY R BARNE, GERALD MONA, GERARD SURERUS, GERSHOM LUNDBERG, GILBERT DOMINGUEZ, KENNETH RAY GLEASON, HARNEK THIARA AND TALWINDER THIARA, HEIDI W. KIENE AND KEVIN KIENE, HENRY LOUIS SCHAIRER JR., HOWARD W. WAHL, J. MARK MCPHERSON, JACK AND TAMI FINEGOLD, JACK ABRAMS AND MARGO ABRAMS, JAMES A. SHEAHAN AND MELODY K. SHEAHAN, JAMES A. TAMBORELLO, JAMES ALLEN LUTTER, JAMES CURTIS BROWN, JAMES D. DREYER JR., JAMES V. BACON, JASON HANDZA AND ALEXANDRA HANDZA, JASON L. RAWLINGS AND

Index No. 1:15-cv-04636-CM

**AFFIRMATION OF  
CHRISTOPHER L. AYERS IN  
SUPPORT OF MOTION FOR  
DEFAULT JUDGMENT**

LEANNE K. RAWLINGS, JEFF ARCHIBALD,  
JEFFREY REISNER, JOANNE COLTRIN AND  
ANDRE COLTRIN, JOHN MAVAR, JOHN T. KEALY  
AND JANINE K. KEALY, JONATHAN EDWARDS  
AND VIRGINIA C. ADAMS, JOSEPH MCCARTHY  
AND MIKI MCCARTHY, JOSH D. BRADBURY, JR.,  
SUSAN BRADBURY, JOSHUA SCHEIN, JULIA L.  
GRIFFIN, JUSTIN KERENYI, KARL K. SPIELMAN  
AND MELINDA G. ELKIN, KENNETH NASS, KENT  
SCOTT AND LAURA SCOTT, KERRY LEE AND  
HELEN WELSH, KEVIN P. O'NEILL AND SUZANNE  
ODELL O'NEILL, KURT SWOGGER, LARRY  
BRUNZLICK, LARRY E. GROFF AND DORIS R.  
GROFF, LARRY GUAGLIARDO, LAURA D.  
MCHUGH, LAWRENCE J. BUTZ, LAWRENCE  
LEARY, LLOYD E. HENDRIX, LOUIS A. LARSON  
AND PAMELA J. LARSON, MARC KASSIN, MARC  
W. LEVIN, MARK A. OSTERHAUS, MARK DUGGER,  
MARK R. MITCHELL, MARSHALL CARL RICE,  
MARY HEINKING, MARY NEIBERG, MARYANN  
MIGAS, MATT HAYDEN, MATTHEW C. AMERMAN  
AND CARRIE AMERMAN, MEHRAN TASLIMI,  
MICHAEL MATULA, MICHAEL SCULLY, MICHELLE  
GRIFFIN, MIRIAM SCHWARTZ, MITCHELL MARTIN  
AND DEBORAH MARTIN, NANCY L. BENSON,  
NICOLAS KARMAOUN, OLEKSANDR TUMKO  
AND OKSANA TUMKO, PAMELA HARRINGTON  
MUNRO, PAT BROWNE, PATRICK AND GLORIA  
KIRK, PATRICK MULLEN, PAUL DIPAOLO AND  
NANCY L. WORTHINGTON, PAUL E. SORGE JR.,  
PAUL HARPER ZINK, PETER D. SCHIFF, PETER  
SCHORTMANN AND SUSAN SCHORTMANN,  
QUINCY MURPHY, RALPH DALE EDSON,  
RANDELL SCOTT GLEASON AND MICHELE LEE  
GLEASON, RICHARD MOORE, RICHARD P.  
ANTHONY III AND KIMBERLY J. ANTHONY,  
RICHARD POTAPCHUK, ROBERT DAGGETT,

ROBERT E. CATHRO, ROBERT HEIMANN,  
ROBERT L. BISHOP AND FRANCINE BISHOP,  
ROBERT NEAL SPADY AND LINDA SPADY,  
ROBERT T. FOSS AND MARGARET FOSS, ROD  
MCINTYRE, ROYCE V. JACKSON, RUSSELL B.  
WALKER, RUSSELL PARKER, SARAH J. BASLER  
AND DONALD S. BASLER, SCOTT MUELLER,  
SCOTT R. GRIFFIN, SCOTT R. LENNES, SHERRY  
MORSE MACCABEE AND JOHN GREENBERGER  
MACCABEE, SHIDAN TASLIMI, STANLEY J.  
DRELICK, STEPHEN P. MCCARRON, STEPHEN  
RASKIN, STEVE SMITH, STEVEN PAUL HARMS,  
TERRY ALAN CREWS, TERRY OLSON AND LINDA  
M. OLSON, THOMAS AARON LADNER, TIMOTHY  
CARROLL, TIMOTHY CRANE, TIMOTHY NASS,  
TIMOTHY WEAVER, TINA C. PETERSON AND  
HENDRIKUS M. SCHRAVEN, TODD A. HANNON  
AND MICHELLE L. HANNON, TONY BIZ AND  
JEANNE C. LIM, VADA NOBLES, VINCE BACOLINI,  
VIVEK GHAI, VLAJKO DJORDJEVIC, WALTER  
FRIESEN, WILLIAM BRADLEY, WILLIAM J. CYR,  
WILLIAM WILEY AND MARIANNE WILEY, WILLIS  
DUNKUM III, YADIN ROZOV, and DOES 1-100,

Plaintiffs,

vs.

U.S. CHINA MINING GROUP, INC. and HONGWEN  
LI,

Defendants.

I, Christopher L. Ayers, an attorney duly admitted to practice before the  
Courts of this State, affirm as follows under penalty of perjury under the laws of the  
United States of America:

1. I am an attorney with the law firm of ANDERSON KILL P.C., attorneys for  
Plaintiff, Euro Pacific Capital, Inc. ("Plaintiff" or "Euro Pacific"), individually and in its  
capacity as Investor Representative and attorney-in-fact for Alexander and Yana Galuz,

Amy J. Stefanik, Ann Struve, Anthony Nahum, Art Kleppen and Kimberly Kleppen, Barbara Ellis, Barbara Hearst, Barbara S. Meister, Benjamin R. Earl and Jonee D. Earl, Bert Jude Huntsinger, Blake and Lisa Everett, Bruce Franklin, Bruce Ravenel, Burt Yano and Patricia Yano, Carol Cooper, Carolyn R. Long, Charles Brabenac, Charles M. Claussen and Michelle S. Claussen, Charles Sullivan and Carol Sullivan, Charlotte J. Belasco, Chin Hsiao, Cindy J. Lewis, Cliff Ward, Corey Shannon McNamee, Curtis Andrew Beeson and Brenda Batenburg, Cynthia Kessler and James Kessler, Damon Suter and Malinda Suter, Daniel J. Griffin, Darrel Lee Kloeckner, David Alan Scully, David W. Larson and Jennifer L. Larson, Deborah Foreman, Dennis Fried and Joyce Fried, Diane D. Spolum, Donald Girard Clark Jr. and Debra L. Clark, Donald T. Glaser Jr., Douglas W. Johnson, Edgar Simons, Edward Charles Mohr, Elizabeth Richards, Elmira Gadol, Francis Brent May and Joneita Jean May, Frank Cardile Sr., Fred Harper, Gary Lee Bukamier, Gary Marder, Gayle M. and Deborah Sanders, George Feldman, George K. Ching, George Madaraz, Gerald and Beverly R Barne, Gerald Mona, Gerard Surerus, Gershom Lundberg, Gilbert Dominguez, Kenneth Ray Gleason, Harnek Thiara and Talwinder Thiara, Heidi W. Kiene and Kevin Kiene, Henry Louis Schairer Jr., Howard W. Wahl, J. Mark Mcpherson, Jack and Tami Finegold, Jack Abrams and Margo Abrams, James A. Sheahan and Melody K. Sheahan, James A. Tamborello, James Allen Lutter, James Curtis Brown, James D. Dreyer Jr., James V. Bacon, Jason Handza and Alexandra Handza, Jason L. Rawlings and Leanne K. Rawlings, Jeff Archibald, Jeffrey Reisner, Joanne Coltrin and Andre Coltrin, John Mavar, John T. Kealy and Janine K. Kealy, Jonathan Edwards and Virginia C. Adams, Joseph Mccarthy and Miki Mccarthy, Josh D. Bradbury, Jr., Susan Bradbury, Joshua Schein, Julia L. Griffin,

Justin Kerenyi, Karl K. Spielman and Melinda G. Elkin, Kenneth Nass, Kent Scott and Laura Scott, Kerry Lee and Helen Welsh, Kevin P. O'Neill and Suzanne Odell O'Neill, Kurt Swogger, Larry Brunzlick, Larry E. Groff and Doris R. Groff, Larry Guagliardo, Laura D. McHugh, Lawrence J. Butz, Lawrence Leary, Lloyd E. Hendrix, Louis A. Larson and Pamela J. Larson, Marc Kassin, Marc W. Levin, Mark A. Osterhaus, Mark Dugger, Mark R. Mitchell, Marshall Carl Rice, Mary Heinking, Mary Neiberg, Maryann Migas, Matt Hayden, Matthew C. Amerman and Carrie Amerman, Mehran Taslimi, Michael Matula, Michael Scully, Michelle Griffin, Miriam Schwartz, Mitchell Martin and Deborah Martin, Nancy L. Benson, Nicolas Karamaoun, Oleksandr Tumko and Oksana Tumko, Pamela Harrington Munro, Pat Browne, Patrick and Gloria Kirk, Patrick Mullen, Paul Dipaolo and Nancy L. Worthington, Paul E. Sorge Jr., Paul Harper Zink, Peter D. Schiff, Peter Schortmann and Susan Schortmann, Quincy Murphy, Ralph Dale Edson, Randell Scott Gleason and Michele Lee Gleason, Richard Moore, Richard P. Anthony III and Kimberly J. Anthony, Richard Potapchuk, Robert Daggett, Robert E. Cathro, Robert Heimann, Robert L. Bishop and Francine Bishop, Robert Neal Spady and Linda Spady, Robert T. Foss and Margaret Foss, Rod McIntyre, Royce V. Jackson, Russell B. Walker, Russell Parker, Sarah J. Basler and Donald S. Basler, Scott Mueller, Scott R. Griffin, Scott R. Lennes, Sherry Morse Maccabee and John Greenberger Maccabee, Shidan Taslimi, Stanley J. Drelick, Stephen P. Mccarron, Stephen Raskin, Steve Smith, Steven Paul Harms, Terry Alan Crews, Terry Olson and Linda M. Olson, Thomas Aaron Ladner, Timothy Carroll, Timothy Crane, Timothy Nass, Timothy Weaver, Tina C. Peterson and Hendrikus M. Schraven, Todd A. Hannon and Michelle L. Hannon, Tony Biz and Jeanne C. Lim, Vada Nobles, Vince Bacolini, Vivek Ghai, Vljako Djordjevic,

Walter Friesen, William Bradley, William J. Cyr, William Wiley and Marianne Wiley, Willis Dunkum III, Yadin Rozov, and their assignees (collectively, the "Shareholders"), in this action. As such, I am fully familiar with the facts set forth below by virtue of my review of the file.

2. On June 16, 2015, Plaintiff filed its Complaint, a copy of which is attached hereto as **Exhibit 1**.

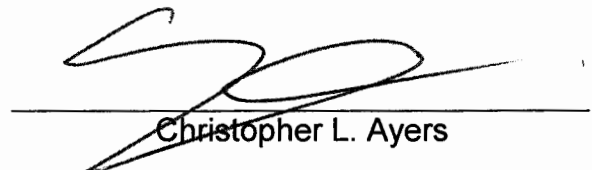
3. On July 10, 2015, Plaintiff caused Defendant U.S. China Mining Group, Inc. ("USCM") to be served with the Summons and Complaint by personally serving the Nevada Secretary of State at 202 N. Carson Street, Carson City, NV 89701. Proof of such service was filed on July 23, 2015, Doc. # 9.

4. USCM has not appeared in this action, and the time to appear or otherwise respond to the Plaintiff's Verified Complaint has expired.

5. On December 9, 2015, the Clerk of this Court, pursuant to Fed. R. Civ. P. 55(a), entered the default judgment against Defendant USCM. A copy of the Order is attached hereto as **Exhibit 2**.

6. Defendant USCM is not a minor, an incompetent person, or on active military service. USCM is a publicly held corporation organized and incorporated under the laws of Nevada, which operates out of the People's Republic of China, and is headquartered in Tampa, Florida.

Dated: New York, New York  
December 24, 2015, 2015



Christopher L. Ayers